



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

SIMMONS et al.

Serial No.: 10/816,346

Filed: April 1, 2004

Confirmation No.: 8786

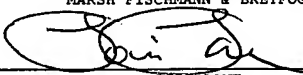
Atty. File No.: 12854-20365

For: "FLOTATION PROCESSING
INCLUDING RECOVERY OF SOLUBLE
NONFERROUS BASE METAL VALUES"

) Group Art Unit: 1724

) Examiner: Lithgow, Thomas M.

) RESPONSE TO OFFICE ACTION
) STATING RESTRICTION
) REQUIREMENT

<p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>8-8-06</u>.</p> <p>MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  LORI LANE</p>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

This communication is in response to an Office Action dated June 29, 2006. The only issue raised in the Office Action is a requirement for election of species.

The Examiner has asserted that the application contains claim directed to the patentably distinct species: (1) Species 1 of Figure 1; (2) Species 2 of Figure 2; and (3) Species 3 of Fig. 3.

An election is hereby made to Species 1 (Figure 1) for prosecution on the merits at this time. Claims readable on the elected species of Figure 1 include Claims 1-34.

Also enclosed herewith is a petition for a one-month extension of time to respond under 37 C.F.R. §1.136(a), and a check in the amount of \$120.00 for payment of a one-month extension fee under 37 C.F.R. §1.17(a). Also, should the filing of this communication require a further extension, please consider this communication as including a petition for such extension and charge any required additional extension fees to Deposit Account No. 50-1419. Moreover, to the extent that


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there are any other fees due with this communication, please debit such fees to Deposit Account No. 50-1419, and credit any overpayments to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: August 8, 2006

By: 

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